

**I. Call meeting to Order.** The meeting was called to order at 7:44PM immediately following a Public Hearing on the Conditional Use Permit Applications for J&M Performance Development and CEEMEDIA; and Petitions 2015.02, 2015.03 to Amend the 2035 Town of Polk Planning Map and Town of Polk Zoning Map; and Petitions to 2015.04, 2015.05 to Amend the Town Land Division and Zoning Ordinances.

- A. The Pledge of Allegiance was recited.
- B. Official Meeting Notification. Chairman Schulteis reported that the notice of the meeting was sent to the West Bend Daily News, the Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted at the Town Hall, Roskopf RV Center, and Cedar Lake Hills bulletin boards.
- C. Roll Call. Present: Chairman Albert Schulteis, Supervisor Theodore Merten, Karen Reiter, Dennis Sang, William Whitney; Guest Supervisor Robert Roecker and Zoning Secretary Tracy Groth. Excused absences: Mark Peters and Timothy Yogerst.
- D. The Chairman asked for a moment of silent prayer.
- E. Approval of the Minutes of the Plan Commission Meeting July 7, 2015  
Karen Reiter moved to approve the Minutes as printed. William Whitney seconded the motion. All voted in favor and the motion carried.

## **II. Unfinished Business- None**

## **III. New Business**

- A. **Petition 2015.02 to Amend the Town of Polk 2035 Comprehensive Plan Map by changing the land use designation of a parcel of land as described in Agenda Exhibit A from A-1 Agricultural Use to Mixed Use. Town of Polk, Washington County, Wisconsin, Section 20, Tax Key # T9-0643.**

Chairman Schulteis introduced the business item. The Petition is from the Plan Commission (see Minutes Plan Commission July 7, 2015). There was no discussion among the Commission Members. William Whitney moved to recommend approval to the Town Board of the Petition 2015.02 as presented. Theodore Merten seconded the motion. All voted in favor and the motion carried. Exhibit A is attached to the Minutes.

- B. **Petition 2015.03 by Gerald and Terri Schaefer to Amend the Town of Polk Title X Zoning Map by changing the zoning of parcel #T9-0643 from A-1 General Agricultural District to B-1 Business District. Property described in the attached Agenda Exhibit A, State Hwy 175, Section 20, Gerald and Terri Schaefer, property owners.**

Chairman Schulteis introduced the business item. Gerald and Terri Schaefer have requested rezoning to the zoning designation B-1 Business District as this was the zoning of the property when they purchased the parcel. Since that time, the parcel has been rezoned to M-1 Industrial Use and then to A-1 General Agricultural Use. The Schaefer's contend that they did not initiate the rezoning. Documentation as to how and when the rezonings took place has not been identified. There was no discussion.

Karen Reiter moved to recommend to the Town Board the approval of the Petition 2015.03 to Amend the Town of Polk Zoning Map by changing the zoning of the parcel T9-0643 from A-1 General Agricultural District to B-1 Business District. Dennis Sang seconded the Motion. All voted in favor and the motion carried. Exhibit A is attached to the Minutes.

**C. Conditional Use Permit by J & M Performance Development in accordance with Section 7.03 of the Town's Title X Zoning Ordinance, to construct a 12 ft. by 20 ft. ground sign at 3277 Sherman Way. Property described as PT of NW NE DOC119911, Section 27, Town 10 Range 19, Washington County, Wisconsin. Zoned B-1 Business District. Property Owners J & M Performance Development.**

Chairman Schulteis invited the applicant to present to the Commission. The applicant, John Johnson, stated that they want to use the existing poles from what was once a gas station sign on the property. The applicant is requesting a larger ground sign than the zoning ordinance's permitted dimensions so as to have visibility from Highway 41. (Town Ordinance 7.03(8) permits ground signs without conditional use *"other than billboards, shall not exceed 20 ft. in height above the mean centerline street grade; shall not exceed 50 square feet in area on one side and 100 square feet on all sides;...."*).

Karen Reiter asked about the height of the sign. The applicant stated that from street grade to the bottom of the sign would be 16 feet so as to accommodate any semi-trailers coming through the area. The height will allow people coming south toward the property to see the sign. The sign face is offset on the poles so as not to encroach on the neighboring property line. Sang asked if there was a structural analysis done for the sign given the wind on the sign and stress on the poles. The applicant stated that an analysis wasn't necessary because there was once a sign on the poles up another 30 feet. The poles are 50 feet tall and 16 feet apart and there was a huge wind load on it when it was designed for the Shell Station sign. "We are cutting down the existing poles to accommodate the new signage. The structure is excessive for what we are doing". The Zoning Secretary read a list of proposed conditions (See attached Exhibit B).

Chairman Schulteis invited the applicant to comment on the proposed conditions. The applicant did not voice objections. The Commission reviewed the site plan to determine how far off of the right of way the sign would be placed. It was established that according to the site plan, the edge of the sign face would be at least one foot off the property line. Sang suggested that in addition to the sign being maintained in a neat and desirable condition, that the sign should be maintained in a "safe" condition or verbiage that addresses the safety of the sign's condition. "We don't want the structure rusting away or falling apart". The applicant expressed their desire to keep the poles maintained. Once the poles are cut to size, they will be sand blasted and painted. There was discussion as to the height requirements and face dimensions of the sign. The sign shall not exceed 28 feet in height; and the face of each side of the sign shall not exceed 240 sq. feet.

Dennis Sang moved to recommend to the Town Board in accordance with Section 7.03 the approval of a 12 foot x 20 foot ground sign for J&M Performance Development at 3277 Sherman Way, with conditions as read, and to include the conditions the sign shall not exceed 28 feet above ground and will be maintained in a safe, neat and desirable condition. William Whitney seconded the motion. All voted in favor and the motion carried.

**D. Conditional Use Permit by CEE MEDIA and J&M Performance Development in accordance with Section 7.03 of the Town's Title X Zoning Ordinance, to construct a 12' x 48' center mount - 20 ft. V Stacked Billboard at 3277 Sherman Way. Property Described as PT of NW NE DOC119911, Section 27, Town 10 Range 19, Washington County, Wisconsin. Zoned B-1 Business District. Property Owners, J & M Performance Development.**

Chairman Schulteis invited the applicant to present to the Commission. Mike Butler, owner of CEEMEDIA addressed the Commission. Butler commented, *"I have built five structures like this. It's a standard structure for along the highway. It's set back quite a ways from Hwy 41, which is where the 12' x 48' size comes in. The sign face is 1152 sq. feet where the rule from the DOT [Department of Transportation] on this sign would be 1200 sq. feet. The structure is engineered for 100 mile per hour wind. We are looking to do a drilled foundation. The drilled (foundation) does not disturb any land and it's a 5 foot hole, 22 feet deep with a foot of concrete around it. The structure is quite simple. It has all the safety equipment around it - safety cables and end caps. I hang my own vinyl. I am afraid of heights so I build these as safely as I can build it."*

Karen Reiter asked if the sign was near the transformer. Butler answered that the sign is 35 feet from the transformer. *"I used Range finders today, and the sign is 560 feet from the south sign and 670 from the north sign (billboards). Billboards must be a minimum of 500 feet apart. The DOT is tough and will not allow any gray area. It either works or it doesn't. For future development, it (the billboard) should not affect J&M building a commercial structure at the back of their property"*. Butler clarified for the Commission that the sign is a double stacked sign with two 12' x 48' foot signs on each side of the sign with one foot in between the stacked signs. The total height of the billboard will be 45 feet. Secretary Groth provided historical information that the Town has approved billboard sign heights anywhere from 20 feet to 60 feet over the years. Sang asked the applicant if the height was dictated by the DOT. Butler stated that the height is dictated by the Town. DOT dictates total square footage. Schulteis commented that the DOT visited the Town zoning office to review that application. Whitney asked why there were two signs being placed on the applicant's property. It was clarified that the ground sign was to advertise J&M Performance's on premise business, and the billboard was for multiple off premise advertising. Butler commented, *"This will not be a digital sign. This is a static sign. Hwy 41 is now an interstate. The property [location of the billboard] had to be zoned commercial property prior to September 1, 1959. A title search showed Schneider's restaurant bought the land in 1952. The highway was done in 1954. I went to Washington County to find zoning maps. They had no record. According to a copy of the zoning map in the Town's records, the parcel was zoned Commercial in [subsequent to] 1959"*. Sang inquired about the DOT's jurisdiction in reviewing the engineering of the signs. *"Does DOT look at these?"* Butler answered, *"Yes."* Sang: *"Does the Township have to get an engineer?"* Butler: *"I only use engineered stamped plans on all my structures"*. There was continued discussion as to the engineering of the sign and placement of the support pole. Zoning Secretary Groth read the proposed conditions. (See attached Exhibit C).

Butler commented with regard to the lighting conditions. Butler uses Holophane Lights, a major light company for billboards. The billboard will have 120 watt LED's, three per sign. According to Butler, there is no stray lighting with this lighting. The Commission added conditions that the height of the sign shall not exceed 45 feet at grade level; and the maximum square footage per sign side is 1152 sq. feet.

William Whitney moved to recommend to the Town Board, the approval of the Conditional Use Permit for CEE MEDIA and J&M Performance Development in accordance with Section 7.03 of the Town's Title X Zoning Ordinance, to construct a 12' x 48' center mount - 20 ft. V Stacked Billboard at 3277 Sherman Way with conditions as presented by the Zoning Secretary, and the added conditions that the height of the sign shall not exceed 45 feet at grade level; and the maximum square footage per sign side is 1152 sq. feet. Dennis Sang seconded the motion. All voted in favor and the motion carried.

**E. Preliminary Site Plan Review for Double J Transport for a trucking operation building and associated site development located at County Road P, Jackson, Washington County, Wisconsin, 16.27 Acres. Section 24. Zoned A-1 General Agricultural District. Tax Key T9-0762. Jerome Fechter Business Owner. John Kaehny, Property Owner.**

Chairman Schulteis invited the applicant to present. Design2Construct representative Mike Hertzfeldt presented to the Commission.

Mike reminded the Commission that Double J Trucking came before the Commission earlier in the year [March 3, 2015]. The previous site development plan was abandoned because the parcel is now in the Washington County Floodland Maps. They are now focused on a property to north of that property on County Road P. This one large property will be divided into two parcels for two trucking firms. There will be a shared access to the development. They have begun consultation with the County with regard to access and egress into the development. Each property will have individual storm water maintenance and sanitary systems. Chairman Schulteis commented that this is a very preliminary request. They have a lot more work to do (re-zoning, land division) but wanted comment from the Plan Commission before moving forward. Karen Reiter asked about the shoreland area on the south end of the parcel. Mike commented that Washington County will have specific requirements, including setbacks, regarding the development around the shoreland area. Zoning Secretary Groth commented that Dave Seils with Washington County Land Use has been contacted by staff about the proposed project. He confirmed that the parcel is not on the new Floodland maps. Mike commented that soil borings have been done on the site to support the viability of the parcel as development site for their project. Karen Reiter moved to recommend to the Town Board the approval of the Preliminary Site Plan Review for Double J Transport for a trucking operation building and associated site development. The motion was seconded by Dennis Sang. All voted in favor and the motion carried.

**F. Petition 2015.04 to Amend the Text of the Town of Polk Title XI Land Division Ordinance Section 7.03(h)(8) regarding sureties so as to comply with Wisconsin State Statute Chapter 236.**

Chairman Schulteis introduced the business item. The Petition is from the Plan Commission (see Minutes - Plan Commission July 7, 2015). There was no discussion among the Commission Members. Karen Reiter moved to recommend to the Town Board the approval of Petition 2015.04 to Amend the Text of the Town of Polk Title XI Land Division Ordinance Section 7.03 (h)(8) regarding sureties. Theodore Merten seconded the motion. All voted in favor and the motion carried.

**G. Petition 2015.05 to Amend the Text of Town of Polk Title X Zoning Ordinance Section 13.02 SPECIFIC WORDS AND PHRASES and 4.07 MOBILE TOWER SITING. The amendments to the Title X Ordinance text are requested so as to apply consistently within the Ordinance, the definitions regarding Mobile Tower Siting as defined by Wisconsin State Statutes Section 66.0404(1).**

Chairman Schulteis introduced the business item. The Petition is from the Plan Commission (see Minutes -Plan Commission July 7, 2015). There was no discussion among the Commission Members. Karen Reiter moved to recommend to the Town Board the approval of Petition 2015.05 to Amend the Text of Town of Polk Title X Zoning Ordinance Section 13.02 SPECIFIC WORDS AND PHRASES and 4.07 MOBILE TOWER SITING. William Whitney seconded the motion. All voted in favor and the motion carried.

**IV. Zoning Violations:** Secretary Groth reported that a house on Polk Street is in a state of such disrepair that it may require a raze and remove order. The property owner has been asked to contact the Town Building Inspector. A property on Fond du Lac Drive has been given notice to clean junk from his property and obtain building permits for accessory buildings built without permits.

**V. Other Business**

A. Correspondence. Chairman Schulteis reported that the Town received a letter from an attorney representing Kenneth Schmidt. Mr. Schmidt has asked the Town to request of the Department of Transportation, a railroad quiet zone near his property on Fond du Lac. Chairman Schulteis contacted the DOT out of Chicago to discuss the matter. Railroad crossings require certain safety compliances in order to institute a quiet zone. The crossing at Fond du Lac will be upgraded; however the Scenic crossing would have to be upgraded as well to institute a quiet zone. This is not in the Town budget. The Town attorney will be contacting Mr. Schmidt's attorney to explain the situation.

B. Informational Items-None

C. Zoning Board of Appeals Report. Karen Reiter reported that the Zoning Board of Appeals convened on July 23, 2015 at 3540 Hillside to consider a 34' 11" variance to the 60' front yard setback in the R-1 Residential District for a detached garage. After review of the property and the proposed location of the garage, the Board granted a 14'11" variance after determining there was room to move the building back further into the lot and still stay within the side yard setback. The move preserved a stand of mature trees on the property's side yard.

**VI. Adjourn.** Karen Reiter moved to adjourn. Dennis Sang seconded the motion. All voted in favor and the motion carried. The meeting adjourned at 8:31PM.

Respectfully submitted, Tracy Groth Zoning Secretary